IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3277/2004
KIRODI LAL MEENA Vs. THE STATE OF RAJ. & ORS.

DATE: 27.11.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

None present for the petitioner.
Mr. B.S. Chhaba, Dy. GA for the State.

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Brief facts of the case are that the petitioner-plaintiff filed a suit for recovery of Rs. 67,500/- as on account of illegal action of the respondent No.3, the petitioner suffered a loss of Rs. 67,500/-. A legal notice was also given by the petitioner-applicant before filing the civil suit and as no reply was given by the respondents, the petitioner left with no alternative except to file the suit before the Civil Court. It is wrongly averred in the reply submitted by the respondents-defendants that the petitioner has not performed the work as per the terms of the contract agreement.

The petitioner-plaintiff filed an application under Order 16 Rule 7 r/w Section 151 CPC, wherein he has requested that he may be permitted to place the record of labour before the Court and the same was rejected by the Court below vide impugned order dated

07.04.2004, against which the instant writ petition has been preferred by the petitioner.

It is also averred in the writ petition that this Court in the case of *Shri Ramesh Chand Vs. Shri Ram,* has allowed such application submitted under Order 16 Rule 6 CPC observing that if such documents are relevant for proper outcome of the suit, then application preferred under Order 16 Rule 6 CPC should have been allowed. The Court below has committed wrong while rejecting the application on the ground that the provisions of Order 16 Rule 7 CPC are not applicable to the instant case. It is also observed that since the documents in question were within the possession of the plaintiff-petitioner, the same could have been filed at the time of filing of the suit.

The Court below having considered the application under Order 16 Rule 7 r/w Section 151 CPC, has rightly rejected the same vide order impugned dated 07.04.2004. I find no illegality or error apparent on the face of the record and no interference whatsoever is called for.

Consequently, the writ petition fails and the same stands dismissed.

(K.S. RATHORE),J.

/KKC/